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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,320	09/01/2000	Jaideep Srivastava	P3944	5747

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CENTRAL COAST PATENT AGENCY
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EXAMINER

LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 03/09/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/654,320

Applicant(s)

SRIVASTAVA ET AL.

Examiner

Arrienne M. Lezak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Examiner notes that no new claims have been added, no claims have been cancelled and no claims have been amended. Claims not explicitly addressed herein are found to be addressed within prior Office Action dated 6 November 2003 as reiterated herein below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,935,207 t Logue.

4. Regarding Claim 1, Logue discloses a data-collection system for collecting data about a user through monitoring user interaction on a data-packet-network comprising: a proxy server connected to the data-packet-network for providing user access to the proxy services and for monitoring user access and interaction with those services; a dedicated server interface connected to the data-packet-network for providing user access to the proxy services; and a software application running on the proxy server for collecting and storing data obtained as a result of active user-interaction with the proxy services, (Abstract; Col. 2, lines 19-46; and Col. 11, lines 35-50).

5. Regarding Claims 2 and 14, Logue discloses a data-collection system wherein the data-packet-network is the Internet network, (Col. 2, lines 19-46; Col. 3, lines 66-67; and Col. 4, lines 1-2).
6. Regarding Claim 3, Logue discloses a data-collection system wherein the proxy server and a dedicated server interface are maintained by a same service-providing entity, (Col. 4, lines 2-19 and Col. 6, lines 42-59).
7. Regarding Claim 4, Logue discloses a data-collection network wherein the dedicated server interface is dedicated to providing cobrand services to users of a cobrand partner, (Fig. 5A and 5B; Col. 6, lines 62-67; and Col. 7, lines 1-43).
8. Regarding Claim 5, Logue discloses a data-collection system wherein the proxy services include a data-collection, aggregation and summary service, (Abstract; Col. 5, lines 10-30; Col. 9, lines 20-67; Col. 10, lines 1-67; and Col. 11, lines 1-34).
9. Regarding Claim 6, Logue discloses a data-collection system wherein there are a plurality of dedicated server interfaces, individual ones of such interfaces dedicated to individual ones of a plurality of participating cobrand partners, (Col. 2, lines 19-46 and Col. 4, lines 14-19).
10. Regarding Claim 7, Logue discloses a data-collection system wherein the software application collects demographic data, account-information data, and on-line behavior data, (Abstract; Col. 3, lines 38-44; and Col. 5, lines 13-30).
11. Regarding Claim 8, Logue discloses a data-collection system wherein the collected data about a user is used to construct a multifaceted user profile, (Abstract; Col. 3, lines 38-44; and Col. 5, lines 13-30).

12. Regarding Claim 9, Logue discloses a data-collection system wherein the data-collection is performed in an entirely automated fashion, (Col. 8, lines 45-67; Col. 9, lines 1-18; and Col. 12, lines 1-4).

13. Regarding Claim 10, Logue discloses a data-collection system wherein additional data obtained through non-automated method is added to the data collected automatically in order to increase the scope of a multifaceted user profile, (Col. 5, lines 10-30).

14. Regarding Claim 11, Logue discloses a data-collection system wherein assembly of the multifaceted user profile is automated, (Col. 8, lines 45-67; Col. 9, lines 1-18; and Col. 12, lines 1-4).

15. Regarding Claim 12, Logue discloses a data-collection system wherein the assembled multifaceted user profile is periodically updated in an automated fashion, (Col. 8, lines 45-67; Col. 9, lines 1-18; and Col. 12, lines 1-4).

16. Regarding Claim 13, Logue discloses a method for collecting, storing, and utilizing data related to a user interacting with proxy services on a data-packet-network comprising the steps of: monitoring all user activity and transactions associated with interactive use of proxy services; parsing applicable data resulting from the user activity and transactions; recording the applicable data in a secure an organized fashion; and incorporating the recorded data for the purpose of creating a multifaceted user profile, (Col. 2, lines 19-46; Col. 5, lines 10-30; Col. 11, lines 35-67; Col. 12, lines 1-40).

17. Regarding Claims 15 and 16, Logue discloses a data-collection method wherein the monitoring step includes the monitoring of transactions including purchases, site

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registrations, and orders for summary data, (Claim 15); and the user activity includes activity at an interfacing server, (Claim 16), (Col. 2, lines 19-46; Col. 5, lines 10-67; and Col. 6, lines 1-59).

18. Regarding Claims 17 and 18, Logue discloses a data-collection method wherein the recording of applicable data is done to a data repository external (Claim 17), or internal (Claim 18), to the server recording the data, (Col. 4, lines 14-19, 53-57 and Col. 6, lines 42-46).

19. Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 1-18.

Response to Arguments

20. Applicant's arguments filed 6 February 2004, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how reconsideration avoids such references or objections.

21. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "interaction with proxy services") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

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are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

22. Applicant argues that the word, "interaction" is to be interpreted as to monitor on a field-by-field basis, all content accessed by the user. However, the word, "interaction" within the context of Claim 1 is non-specific as to the extent of how content is to be monitored. Monitoring the fact that a user accessed a particular URL thus may be fairly interpreted as, "interaction" since at minimum, a user's browser would (1) send out an HTTP request, and then (2) receive the generated HTTP response. This reads on "interaction." Moreover, Examiner would like to draw applicant's attention to the fact that the preamble need not be considered as a patentable distinction, please refer to MPEP §2111 for more information.

23. Thus, as Examiner has completely addressed Applicant's amendment, and finding Applicant's arguments do not show how reconsideration avoids such references or objections, Examiner hereby maintains the original rejection of all claims, (1-18), in their entirety.

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

25. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion


26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (703)-305-0717. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703)-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703)-305-3718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-6121.

Arrienne M. Lezak
Examiner
Art Unit 2143

AML


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